



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,505	10/24/2003	Kenichi Kobayashi	00862.023291	7216
5514	7590	10/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			NGUYEN, HUNG	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2851

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,505

Applicant(s)

KOBAYASHI, KENICHI

Examiner

Hung Henry V Nguyen

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 and 8-10 is/are rejected.
7) ☒ Claim(s) 6 and 7 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura (US 2002/0097205A1).

With respect to claims 1 and 10, Nakamura discloses a device manufacturing apparatus and corresponding method for use in manufacturing a semiconductor and comprising all of the limitations of the instant claims such as: a duct (13) for flowing a temperature adjusting gas; a first component/cables arranged outside the duct and being connected to main power source unit (14) and control unit (15) to detect a state of a predetermined portion outside the duct, or drive or control the predetermined portion (as clearly illustrated via figure 2), and a second component (9) arranged in the duct and electrically connected to the first component to receive an electrical signal that pertains to the state of the predetermined portion from the first component or supply an electrical signal generated to drive or control the predetermined portion to the first component.

As to claim 2, Nakamura further teaches a heat insulating member (12) arranged in the duct.

Art Unit: 2851

As to claim 8, Nakamura teaches the second component being a light source that generates heat in operation.

As to claim 9, Nakamura discloses the apparatus is configured as an exposure apparatus (1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagahashi (U.S.Pat. 6,753,942).

With respect to claims 1-5, 8-10, Nagahashi discloses an exposure apparatus for use in manufacturing a semiconductor device and comprising: a duct (23, 24, 18, 26) for flowing a temperature adjusting gas ; a second component/an electrical component/a relay board (12) so arranged in the duct as to constitute a part of the duct (see figure 1) and to pertain the state of a predetermined portion and heat insulating member (col.6, lines 1-8) arranged in the duct and wherein the relay board (12) acting as one of the sources of heat is operated by the electric power supplied from a control rack (see col.5, lines 58-61). Even though, Nagashashi does not disclose the claimed first component/cables connected to the second component/an electrical component or a relay board to detect a state of the predetermined portion or drive or control the predetermined portion. This feature is seen to be an inherent teachings since an electrical

Art Unit: 2851

component/or relay board is disclosed and it is apparent that some type of “cable”/”first component” must be present for “first component/relay board” to function as intended.

Nagahashi further teaches the duct has an opening portion (42) with a shutter (see figure 3).

Thus, Nagahashi discloses substantially all of the limitations of the instant claims except for the cable being arranged outside of the duct. It would have obvious to a skilled artisan to modify the teachings of Nagahashi to obtain the invention as specified in the instant claims. It is the Examiner’s position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange the cable outside the duct. The purpose of doing so would have been to reduce the adverse effects of the heat generated inside the duct to the cables.

Allowable Subject Matter

5. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

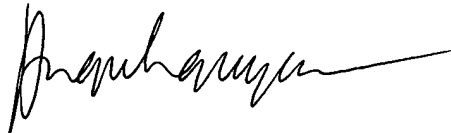
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to suggest an exposure apparatus having a duct with a particular structure as recited in the instant claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

Art Unit: 2851

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hung Henry V Nguyen
Primary Examiner
Art Unit 2851

hvn
9/14/04